

### REMARKS

Favorable reconsideration of this patent application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 1-26 have been rejected as being improperly broadened under 35 USC 251; Claims 1-26 have been rejected as being based upon a defective reissue declaration under 35 USC 251; Claims 1-26 have been rejected as being indefinite under 35 USC 112; and Claims 1-26 have been rejected as being unpatentable over Japanese ('810), Japanese ('910), and Japanese ('705) in view of Lynch and Falk et al. under 35 USC 103. Claim 4 has been cancelled, and consequently, Claims 1-3 and 5-26 remain active in this patent application.

It is reiterated to the Examiner that the present invention as now claimed patentably defines over all of the art of record and particularly over Japanese ('810), Japanese ('910), and Japanese ('705) in view of Lynch and Falk et

al. More particularly, independent Claims 1,9,13,16, and 20 have now all been amended so as to set forth the fact that in accordance with the present invention, the arcuate extent of the tip head is now claimed as being within the range of 240°-280° so as to facilitate the insertion of the member to be heated into the interior of the tip head through a side portion of the tip head. This is not the case with Japanese ('810), Japanese ('910), or Japanese ('705) wherein the tip head or equivalent thereof is either entirely circular or closed, or the arcuate extent is substantially beyond 280°, whereby in all of such cases, the member to be heated would have to be inserted onto the axis of the tip head in an axial mode and not a radial mode through a side portion of the tip head. In addition, the claims recite the fact that the outlet end of the tubular stem is connected to a middle portion of the arcuate tip head, and lastly, that two of the flame orifices are disposed at terminal ends of the arcuate tip head so that together with the third orifice, a substantially complete circumferential flame array for substantially completely heating the entire circumferential extent of the member can be achieved with a minimum of three flame orifices as clearly shown in the left side of **FIGURE 2** of the patent drawings. It is respectfully submitted that these

features are not disclosed within any of the **PRIOR ART** of record, and it is therefore respectfully submitted further that Claims 1,6,9,13, and 20, as well as the remaining claims of the patent and this patent application patentably define over all of such **PRIOR ART** of record.

With respect to the rejection of Claims 1-26 as being improperly broadened under 35 USC 251, it is respectfully submitted that the claims have not in fact been improperly broadened. Some of the language of the original claims have been relocated within the claims, and other language has simply been clarified or made more proper, such as, for example, the difference between "point" and "axis". In addition, Claim 13 cannot be rejected under such grounds as such claim was not part of the original patent and therefore cannot be improperly "broadened". It is therefore respectfully submitted that the claims as submitted are in fact proper and that the rejection of the claims under 35 USC 251 should be withdrawn.

Similarly, it is respectfully noted that while the

examiner is within his rights to object to the drawings under 37 CFR 1.83(a) wherein the drawings do not disclose the angled disposition of the flame orifices, it is respectfully submitted that the objection to the specification and previously filed amendment is not proper in view of the fact that the original specification notes, for example, at Column 3, lines 43-46, that the orifices produce flames at an angle of, for example, 20-35°, away from the plane of the circular section of the torch tip. It is therefore submitted that such recitations are both explicitly and implicitly supported by the original specification. The drawings will be accordingly corrected upon the indication of allowance.

Lastly, it is again noted that the assignee has noted the examiner's request for surrender of the original patent and such will in fact be surrendered or a loss declaration filed upon the indication of allowance. Similarly with respect to the other formal requirements by the examiner, that is, with respect to the proper reissue declaration, such will be provided upon the indication of allowance.

In light of the foregoing, it is submitted that this patent application is now in condition for allowance, and therefore, an early and favorable action to this effect is now anticipated and awaited.

Respectfully Submitted,  
**SCHWARTZ & WEINRIEB**

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Steven W. Weinrieb  
Attorney of Record  
Registration No. 26,520  
(703) 415-1250